

**TOWN OF NEEDHAM
INJURY ON DUTY POLICY #413
FIRE UNION**

The following procedures shall be followed in order to comply with the policies of the Town and relevant state statutes. Changes in these procedures shall be subject to agreement between the Town and the Union (Units A and C):

A. Initial Treatment

1. Any employee, who, while working, becomes ill or injured because of his/her duties and who requires immediate medical care shall be treated first at the Town-designated medical facility (currently the Deaconess Glover Hospital) unless emergency medical conditions reasonably necessitate use of an alternate facility.
2. The initial treating physician or his/her designee will complete an occupational health report related to the injury.
3. A copy of the initial occupational health report will be forwarded to the Fire Chief by the injured employee or the treating physician as soon as practicable.
4. The Town shall indemnify and hold harmless from the payment of medical bills any employee who is required to receive initial treatment at a Town-designated medical facility and who is later determined not to be eligible for IOD benefits.

B. Reporting

1. Employee
 - a. Whether or not medical attention is sought, each employee who suffers an alleged work-related illness or injury must submit a complete written report to the Fire Chief as soon as possible whenever a job-related illness or injury occurs.
 - b. The employee must complete the Injured on Duty form approved by the Town of Needham and submit it to the Fire Chief within 24 hours of illness or injury, except in emergency situations.
 - c. It is the employee's responsibility to notify his/her supervisor of illness or injury.
 - d. An employee who files a lawsuit or claim against a third party in connection with a job-related injury must notify the Fire Chief in writing at the time the suit is filed.

2. Supervisor

It is the responsibility of the supervisor to provide the Fire Chief with a detailed report of the circumstances which gave rise to the illness or injury. Notice of employee injury requiring hospital admission should be provided to the Personnel Director immediately.

C. Acceptance of Injury on Duty Cases

1. All requests for Injured on Duty benefits must be made to the Fire Chief or his/her designee and then formally accepted by the Board of Selectmen or its designee.
2. Any employee requesting Injury on Duty leave shall make a request for such benefits using a form approved by the Fire Chief and shall execute and deliver to the Chief a release for all medical and hospital records pertaining to said injury on a form provided by the Town.
3. The Board of Selectmen or its designee, after consultation with the Fire Chief, shall make an initial determination as to the employee's entitlement to benefits under the Injury on Duty provisions of the collective bargaining agreement.
4. The employee will be placed on non-occupational sick leave pending the review of his/her entitlement to IOD benefits.
5. An employee requesting benefits under this section must provide medical certification from his/her treating physician documenting the nature of the injury/illness, the prognosis for further treatment and expected return to work, and the physician's opinion as to causality. Such documentation is to be provided to the Fire Chief within seven calendar days.
6. An employee requesting benefits under this section may be required to submit to a physical or psychological (if psychological injury is claimed) examination (limited to matters involved in the injury) by a Town-designated medical provider within 14 calendar days of the request for benefits and at the expense of the Town, to corroborate the certification by the treating physician.
7. An employee whose claim for benefits under the IOD provisions of the contract has been denied shall have the right to appeal the decision under the grievance and arbitration provisions of the Agreement or file court action under the applicable Massachusetts General Laws.

D. Reimbursement for Medical Expenses – Approved IOD Status

1. The employee shall be responsible for obtaining all reports and bills relating to his/her examinations and treatment. Such bills should be submitted to the Fire

Chief. No bills will be paid by the Town until all reports relating to the examination or treatment have been received by the Town.

2. The Board of Selectmen or its designee will monitor the payment of medical expenses as part of a medical case management program. The Town will not be financially responsible for the payment of bills for any medical, psychological or chiropractic personnel or facility engaged by the employee unless advance approval is obtained, except for treatment received in an emergency situation.
3. The Town will pay reasonable and customary charges as determined by the Board of Selectmen/designee. Failure to receive advance approval may result in the employee's being responsible for any balance between the billed amount and the approved payment amount.
4. In the event that an employee seeks treatment during the period in which the Town is reviewing his/her claim for IOD status, and such status is denied, the Town will indemnify and hold harmless from any payment rejected by the employee's health care provider.

E. Termination of Injured on Duty Status

1. An employee who has been determined to be eligible for IOD benefits by the Town of Needham shall have IOD pay under c. 41 s. 111F, but not indemnification under c. 41, s. 100, terminated if any of the following takes place:
 - a. The employee returns to full duty or limited duty (except that the Town will continue to pay for reasonable and customary medical expenses relating to said injury after the employee has returned to work).
 - b. The employee retires or is pensioned in accordance with Mass. General laws.
 - c. The employee unreasonably or without justification fails to comply with all obligations as required by this policy after written notice of such failure and steps to be taken to correct such failure have been given and a reasonable time allowed for compliance.
 - d. The employee resigns from the department.
 - e. The employee is terminated for just cause, unrelated to his/her IOD status and in accordance with applicable law.
 - f. A physician designated by the Board of Selectmen determines that the employee is no longer incapacitated for duty, unless the employee elects to follow the procedures outlined in paragraph (g) below.

- g. If a physician designated by the Board of Selectmen believes that the employee is no longer incapacitated for duty and the employee's physician disagrees, the employee, or if the employee so designates, the employee's physician, shall contact the Town's physician within seven (7) days or receiving the Town physician's report. If the employee or the employee's physician fails to contact the Town's physician within seven (7) days, the decision of the Town's physician shall be final and binding. The Town's designated physician shall confer with the employee or the employee's physician on the question of the employee's ability to return to work and they shall attempt to reach agreement. If they agree that the employee can return to work, IOD benefits, and if appropriate, indemnification under c. 41, s. 100 shall terminate. If after discussion they fail to reach agreement, they shall jointly select a third physician. Failure or refusal of the employee or the employee's physician to cooperate in this selection can void any obligation by the Town to appoint a third physician and the decision of the Town's physician shall be final and binding.

The Town or its physician shall make an appointment for the employee with the third physician and shall advise the employee of the time, date and place. Except for emergency, the employee shall report to and full cooperate with the third physician.

An election by an employee to utilize the third physician option permitted hereunder shall be a binding election of remedies and shall preclude any right to bring an action or challenge the decision of the third physician either pursuant to MGL c. 41 s. 111F or pursuant to the grievance/arbitration procedures under this contract. The decision of the third physician shall be final and binding without right of appeal by either party. The cost of the third physician shall be borne by the Town.

Nothing herein shall preclude the Town from sending the employee to a Town-designated physician for re-examination at any time, provided that the Town shall not re-examine the employee less than thirty (30) days after a third physician has examined the employee.

- h. The applicable general laws, as amended, provide for other reasons for termination of IOD benefits.

F. Convalescence

1. An employee who has been approved for IOD status shall not engage in any gainful employment without providing written permission of the employee's treating physician to the Fire Chief.

2. When so ordered, an employee who has been approved for IOD benefits shall report for physical/psychological examinations limited to the injury, including Independent Medical Examinations (IME's) at reasonable intervals to determine whether the treatment being sought is appropriate or whether the employee is still incapacitated.
 3. An employee who has been approved for IOD status shall comply with all requests for information, or other medical case management requirements, related to the illness/injury, by the Town or its designee.
- G. **Applicability** The provision contained herein shall apply to all new cases, cases on-going as of the date of this policy and/or recurrences of old cases.
- H. **Sanctions** Failure to comply with the procedures contained herein, after written notice of such failure and steps to be taken to correct such failure have been given and a reasonable time allowed for compliance, may warrant the Board of Selectmen/designee, in consultation with the Fire Chief, in terminating the employee's Injured on Duty Status, subject to the employee's right of appeal pursuant to the grievance and arbitration provisions of the collective bargaining agreement and the applicable provisions of the Massachusetts General Laws.

Effective May 3, 1995